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UNCLAS E F T O SECTION 01 OF 05 OTTAWA 002446

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SUBJECT: U.S.-CANADIAN COOPERATION IN STOPPING GUN

SMUGGLING -- WHAT MORE CAN WE DO?

¶11. (SBU/NF) Summary: A spate of gang-related killings in Toronto has left Ontario Premier McGuinty and Toronto Mayor David Miller under pressure to act. McGuinty shifted the focus from the internal problems with gangs in Toronto to the notion that many of the guns used in the killings originated in the United States, raising this to a broader national profile. At their August 11 meeting in Banff, the Ambassador reviewed with McGuinty what we are currently doing on the issue of gun trafficking, discussed U.S. proposals that require Canadian assistance to implement, and offered to hold further discussions of what we can do in the future. Embassy law enforcement team, in coordination with ConGen Toronto, has developed several ideas that can be coordinated with Canadian law enforcement to help stem the flow of guns. All of our law enforcement experts agree, however, that as long as small guns can be concealed in glove boxes or suitcases and simply driven across the border, we will only succeed in stopping the flow of guns on the margins. End Summary.

KILLINGS BECOME POLITICAL ISSUE

¶12. (SBU/NF) Both the number and the type of killings has gotten the attention of Toronto's citizens and political leaders. Two men were gunned to death in Toronto last week, bringing to 42 the homicide count for the year (Note: this is not statistically higher than 2003). The past two weeks were particularly deadly -- with five killed and 11 injured in 14 separate shootings in Toronto. One of these sent a four-year old boy to the hospital with four bullet wounds, another scattered a crowd in a downtown square, a third killed a man at random during a birthday party, and a fourth killed two Somali immigrants as they exited a night club.

¶13. (U) Ontario politicians have been criticized for not doing enough to stop the killings and in turn they have tried to move attention south. In addition to extensive coverage in most dailies throughout the week, MacLean's cover story this week is "American Guns, Canadian Violence, Inside a Deadly Gun-Running Epidemic." Toronto Mayor David Miller called the Prime Minister's Office August 8 to request help stemming the flow of guns from the U.S. Miller reportedly told federal officials that half the guns used to commit crimes in Toronto come from the U.S., a figure that has been shared with us by other Canadian law enforcement officials, although the source is not clear. Miller has also conceded that clearing up the availability of guns is not an easy task, given the ease of crossing the border with a handgun and the various ways guns come to Canada, such as Canadians returning from vacation.

¶14. (SBU/NF) Senator Colin Kenney, Chair of the Senate Committee on National Defense and Security, penned an op-ed for the Globe and Mail in which he states that "roughly half the guns used in Canada's street crimes are smuggled over the border. That's where we must draw the line." He then outlined a number of practical measures that Canada could implement to better stop guns from crossing the border. Ontario Progressive Conservative Leader John Tory, typically a law and order politician, focused on the social and economic conditions that produce gang violence, and made several high profile visits to the neighborhoods where the shootings occurred. (Note: Political Analyst Bruce Campbell told Poloff that the killings are largely confined to Jamaican gangs, and they are somewhat seasonal. He does not expect the pace of killings to continue. End Note)

AMERICAN GUNS FUELING THE VIOLENCE

¶15. (SBU/NF) Premier McGuinty spoke out on the issue of cross border gun flow on August 9 from Banff, saying he had been informed by Toronto Police Chief Bill Blair that fully half the guns on Toronto's streets come from the U.S., and that he would press the Ambassador on the issue when they met the next day. McGuinty used the same tactic that works so well with the PM, whom he often publicly chastises for not doing enough for the province, thus setting himself up to wrest concessions when they meet. He said "I'm hopeful that this time round he'll be more receptive to expressing, first of

all, some sensitivity to the issue and a desire to help and, more than that, an eagerness to lobby Washington to participate in joint activities to help us restrict the number of American guns that are ending up in Canadian streets." In fact the issue of guns did not come up in the Ambassador's first meeting with McGuinty.

16. (SBU/NF) Ambassador Wilkins met McGuinty in Banff on August 11 on the margins of the Council of Federations summit of premiers. The Ambassador took the opportunity to correct McGuinty on some of his press statements regarding his interest in discussing the issue, and suggested that if McGuinty continued to publicly blame the U.S. for the problem, he would have to say that the real issue is Canadian citizens who are breaking U.S. laws by buying guns illegally there and then breaking Canadian laws by bringing them back to Canada. He then reviewed all we are doing to work with both provincial and national Canadian authorities on the problem, and stressed the need to finalize an MOU with the RCMP on electronic tracing and access to our ballistic identification system, both pending GOC approval. McGuinty said he was surprised to hear how much was already taking place, and would in the future couch the issue in terms of shared responsibility, rather than shifting all the blame to the U.S. (Septel will cover Ambassador's meeting with Toronto Law Enforcement officials on July 27).

17. (SBU/NF) The meeting was extremely fruitful in reducing the rhetoric surrounding the issue. In meeting with press later in the day, McGuinty said he was impressed by the Ambassador's knowledge of the issue and his "sensitivity about our desire to establish and maintain a different kind of gun culture than they have south of the border." McGuinty talked several times of the "shared responsibility" for managing the problem. He went on to frame the issue in terms of the extremes of getting the U.S. Congress to ban handguns south of the border and searching each and every vehicle coming across the border, both unrealistic. Instead, McGuinty said, "we have to find a way to share more intelligence, to beef up our human resources at the border in order to ensure that we are being more effective, more proactive when it comes to capturing smuggled guns at the border."

U.S. ANALYSIS OF THE PROBLEM

18. (SBU/NF) According to U.S. statistics, in calendar year 2004 Canadian law enforcement submitted 1,135 firearm trace requests to the ATF National Tracing Center (down from the 1327 trace requests submitted in 2003). This is not the total number of firearms seized throughout Canada, but rather those believed to be of U.S. origin. The ATF Crime Gun Analysis Branch reports that 69% of firearms submitted for tracing in CY2004 were identified as U.S.-sourced. The top five states of origin were Washington (70), Texas (60), Florida (55), Ohio (59), and Indiana (36). The top five provinces submitting firearms trace requests were: Ontario (521), British Columbia (179), Quebec (142), Alberta (133), and Manitoba (68). Of importance, the median length of time from the first retail purchase to when the firearm was seized by law enforcement was 7.4 years. The two key law enforcement bodies in Canada which deal with guns are the Provincial Weapons Enforcement Unit (PWEU) in Ontario, and NWEST, a branch of the RCMP.

19. (SBU/NF) Three recent investigations are indicative of the range of cooperation we have with Canada in dealing with gun smuggling. In November 2004 ATF agents initiated a firearms trafficking case based on multiple sales information submitted by local gun stores in Indiana. Through the course of the collaborative investigation between the PWEU and ATF, six arrests have been made since April 2005. It is now known that 95 guns were trafficked by these individuals for gangs in Canada. In a second case, surveillance of a target buying multiple firearms in Georgia and then traveling to Michigan led to collaboration with the PWEU. The individual was stopped crossing into Canada and a large sum of money discovered, and later investigations led to the recovery of eight firearms in Windsor, Detroit. In March 2005 a firearm was seized during the execution of a search warrant in British Columbia. A trace conducted by NWEST through the ATF National Tracing Center revealed that the individual had bought multiple weapons and made multiple trips to Canada in the preceding six months. The individual was picked up while crossing the border and arrested with five firearms.

WHAT CAN CANADA DO?

10. (SBU/NF) A number of ideas have surfaced in the past week of things Canada could do to improve its ability to control the gun flow. Senator Kenney recommends the following:

-- Increase staffing at the borders, improve training for border guards, arm Canadian border guards, put RCMP officers on the border, and conduct more frequent searches. (Note: others, such as the Customs and Excise Union -- Ceuda -- have also come out strongly in favor of arming Canadian border guards.)

-- Raise the personal exemption limit for customs duties in order to allow border personnel to focus less on collecting taxes and more on finding guns.

-- Consider closing some of the 139 ports of entry on the northern border.

-- Provide better access to criminal data bases for border personnel and improve access to intelligence for all border posts.

¶ 11. (SBU/NF) MacLean's suggests that Canada increase sentences for both Canadians and Americans who cross the border with a gun, a crime that currently bring a fine as low as \$300 or \$400. It also suggests that Ottawa "broaden its successful experiment with special, bi-national police units" such as IBETs. "They've been effective, experts say, in gathering intelligence and cracking smuggling rings before guns reach the streets." A third idea from MacLean's is that Ottawa should press the U.S. to strengthen stateside action against gun smugglers in exchange for harmonizing immigration and entry laws to address U.S. concerns. Some suggest making gun-smuggling a "keystone issue in talks to create a continental security perimeter," and former Ambassador to Washington Allan Gottlieb sees the formation over time of "bilateral border institutions."

EMBASSY LAW ENFORCEMENT GROUP REVIEW

¶ 12. (SBU/NF) ATF offices from Ottawa and Toronto, together with ICE Toronto, met with PWEU and RCMP officials on August 9 to discuss ways to improve coordination on gun smuggling. Embassy Law Enforcement Working Group met to discuss the issue on August 10 and has begun to develop a list of things we can do to close gaps and advance the issue.

¶ 13. (SBU/NF) Law Enforcement experts here believe that as long as guns are easily available in the United States and there is a lucrative market for them in Canada, there will be a flow of illegal weapons across the border that will be virtually impossible to fully shut it down. We developed the following list of issues that could help to improve our cooperation with Canada, and on the margins, would slow down the flow of guns. This is a non-paper which ConGen Toronto will share with Premier McGuinty when cleared, and to use for the basis of further discussions with the Government of Canada on the topic.

PROPOSED NON-PAPER

¶ 14. (SBU) Begin proposed non-paper:

Current Cross Border Gun Control Cooperation:

-- The U.S. and Canada have long-standing and very close cooperation on a full range of law enforcement and border control issues, to include the illegal trafficking of weapons.

-- The U.S. currently has an Alcohol, Tobacco, and Firearms (ATF) agent and an Inspector in Ottawa, and a second agent in Vancouver, as well as a team of Department of Homeland Security Immigration and Customs Enforcement Agents in Toronto, who work with the RCMP and the Provincial Weapons Enforcement Unit of Ontario to help coordinate with Canadian officials our joint efforts to stem the illegal trafficking of weapons across the border. The RCMP also has liaisons in Washington who facilitate information sharing from the U.S.

-- Cooperation in gun control is largely channeled through the Cross Border Crime Forum's Firearms Trafficking Consultative Group, where officials from both countries meet frequently to devise common strategies for stemming the flow of illegal guns.

-- In response to increasing concerns about gun trafficking, on August 9 representatives of ATF, DHS/ICE, PWEU, and the RCMP met in Toronto to explore new ways to approach the issue.

-- Since January 2003, DHS/ICE has investigated 42 cases of firearms being illegally exported to Canada.

-- We have developed a system which electronically allows the PWEU to access the ATF National Tracing Center, allowing them to conduct traces of weapons that are confiscated during crimes.

-- ATF conducts joint training with the PWEU and NWEST specific to illegal firearms trafficking. Specific courses are Illegal Firearms Trafficking, upcoming course scheduled for November 2005 in British Columbia, Serial Number Restoration Course, as well as Firearms Identification and Tracing Course. The U.S. also has provided training for Canadian police officials on gang cases and organized crime.

-- ATF hosts Canadian law enforcement at ATF's HQ, National Tracing Center, and National Firearms Laboratory to help them gain a better understanding of ATF assets. On August 23, 2005, the ATF attach will accompany the Officer in Charge of PWEU, the Firearms and Tracing Enforcement Coordinator of PWEU, and the Director, Criminal Intelligence Services Ontario to Washington, DC.

Pending Approval by Canada

-- ATF and RCMP are in the process of creating an MOU which will electronically link the respective agency's ballistics identification system. Once established, this link will allow bullets and casings found at crime scenes and captured from seized firearms to be compared with this same type of data which was previously uploaded into each agency's system. It is believed that this MOU will help identify and target illegal firearms traffickers as well as help solve firearms related violent crimes.

-- We have a joint working group which is sharing information on ballistic technology. Working group has developed technical security requirements and awaits RCMP to implement these requirements prior to linking the two systems electronically for faster checks.

Future Cooperation

-- ATF will be adding an assistant attach to work in Toronto in the coming weeks. Our ATF attachs help run traces of guns that have been seized during the commission of a crime and submitted for tracing by Canada law enforcement in an attempt to identify firearms traffickers. When identified, the investigation is conducted jointly between ATF and Canadian law enforcement officials. This effort, in conjunction with ICE agents already working firearms export investigations in Toronto, will bolster U.S. efforts in this area.

-- We would like to meet with federal and provincial officials under the Cross Border Crime Forum to explore any specific ideas that Canada has on where we better collaborate to limit the flow of guns.

-- In an effort to stem the flow of the illegal export of weapons from the United States to Canada, the ICE Attaché Ottawa proposes Project Gun Runner. Project Gun Runner would be a joint operation coordinated with the RCMP, CBSA, ATF and CBP. It would involve focusing traditional investigative methods to develop information that could identify vehicles associated with individuals, businesses, and organizations potentially involved in the illegal transportation of weapons to Canada.

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